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Executive Department



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STATE DOCUMENTS

State of South Carolina

EXECUTIVE ORDER NO. 87-16

WHEREAS, BY ACT No. 123 OF 1983, THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA AMENDED CHAPTER 3 OF TITLE 24 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976 (THE "CODE") BY ADDING THE ARTICLE KNOWN AS THE PRISON OVERCROWDING POWERS ACT (THE "ACT"); AND

WHEREAS, THE PURPOSES OF THIS ACT IS TO PROVIDE A MEANS, IN EXTREME CIRCUMSTANCES, TO ALLEVIATE PRISONER OVERCROWDING IN THE PRISONS OF THE STATE OF SOUTH CAROLINA IN ORDER TO INSURE PROPER OPERATION AND SECURITY OF THE PRISONS AS PROVIDED BY LAW; AND

WHEREAS, THE GENERAL ASSEMBLY IN ADOPTING THIS ACT ALSO RECOGNIZED THE HIGHEST PRIORITY THAT MUST BE GIVEN TO PUBLIC SAFETY WHEN APPLYING THIS ACT.

WHEREAS, THE SOUTH CAROLINA BOARD OF CORRECTIONS (THE "BOARD") HAS REPORTED TO ME UNDER THE PROVISIONS OF THE ACT THAT THE STATE PRISON SYSTEM POPULATION CONTINUES TO EXCEED THE PRESENTLY ESTABLISHED SAFE AND REASONABLE OPERATING CAPACITY OF

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NINE THOUSAND THREE HUNDRED AND EIGHTY-EIGHT (9,388) INMATES; AND

WHEREAS, THE BOARD HAS REPORTED THAT THERE HAS BEEN FULL AND APPROPRIATE UTILIZATION OF POWERS BY THE DEPARTMENT OF CORRECTIONS, THE EXERCISE OF WHICH TENDS TO EITHER REDUCE PRISON POPULATION OR EXPAND THE SYSTEM'S SAFE AND REASONABLE PRISON OPERATING CAPACITY; AND

WHEREAS, THE SOUTH CAROLINA BOARD OF PAROLE AND COMMUNITY CORRECTIONS HAS REPORTED TO ME AS REQUIRED BY SECTION 24-3-1150 OF THE CODE THAT THERE ARE SUFFICIENT SUPERVISING AGENTS AND RESOURCES TO PROVIDE INTENSIVE SUPERVISION OF PRISONERS RELEASED PURSUANT TO THE ACT AND SECTION 24-13-720 OF THE CODE REGARDING THE SUPERVISED FURLOUGH PROGRAM; AND

WHEREAS, THE SOUTH CAROLINA BOARD OF PAROLE AND COMMUNITY CORRECTIONS HAS REPORTED THAT THERE HAS BEEN FULL AND APPROPRIATE UTILIZATION OF POWERS BY THE DEPARTMENT OF PAROLE AND COMMUNITY CORRECTIONS, THE EXERCISE OF WHICH TENDS TO EITHER REDUCE PRISON SYSTEM POPULATION OR EXPAND THE SYSTEM'S SAFE AND REASONABLE PRISON OPERATING CAPACITY; AND

WHEREAS, THE DEPARTMENT OF CORRECTIONS REQUESTS THE RELEASE OF ONE THOUSAND ONE HUNDRED AND FIFTY-TWO (1,152) INMATES UNDER THE DECLARATION OF A STATE OF EMERGENCY PURSUANT TO THE ACT, AND

WHEREAS, THIS REQUEST FROM THE DEPARTMENT OF CORRECTIONS IS MADE IN AN EFFORT TO CONTAIN THE PRISON SYSTEM OPERATING CAPACITY AT NINE THOUSAND THREE HUNDRED AND

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EIGHTY-EIGHT (9,388) AND TO CONTINUE TO MAKE AN EFFORT TO COMPLY WITH THE TERMS OF THE NELSON CONSENT DECREE (NELSON V. LEEKE, ET AL.), WHICH IS SUBJECT TO REVIEW IN JANUARY OF 1988; AND

WHEREAS, THE ACT LIMITS THE NUMBER OF INMATES WHICH MAY BE RELEASED EACH MONTH BECAUSE OF OVERCROWDING TO TWO HUNDRED (200); AND

WHEREAS, APPROXIMATELY 150 INMATES ARE CURRENTLY BEING RELEASED MONTHLY UNDER THE PRIOR EMERGENCY DECLARATIONS THUS MAKING IT MATHEMATICALLY IMPOSSIBLE TO MEET THE ONE THOUSAND ONE HUNDRED AND FIFTY-FIVE (1,152) INMATE REDUCTION REQUESTED BY NEXT JANUARY; AND

WHEREAS, THE DEPARTMENT OF PAROLE AND COMMUNITY CORRECTIONS INDICATES THAT A SUBSTANTIAL NUMBER OF THOSE INMATES INDICATED IN THIS TOTAL FIGURE (1,152) WOULD BE CONSIDERED "HIGH RISK" BY THE DEPARTMENT IF SUBJECTED TO ITS RISK ANALYSIS PROCESS.

WHEREAS, THIS "HIGH RISK" CLASSIFICATION MEANS THERE IS A SIGNIFICANT POSSIBILITY MANY OF THESE INMATES WILL COMMIT NEW CRIMES, ONCE RELEASED, AND THAT SOME OF THESE NEW CRIMES MAY BE VIOLENT; AND

WHEREAS, THE EARLY RELEASE OF THESE "HIGH RISK" INMATES WOULD JEOPARDIZE THE HIGHEST PRIORITIES THAT MUST BE GIVEN TO PUBLIC SAFETY; AND

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WHEREAS, THE STATE CONTINUES, DESPITE THE DIFFICULT ECONOMIC TIMES, THE CONSTRUCTION OF NEW PRISON FACILITIES; AND

WHEREAS, THE DEPARTMENT OF PAROLE AND COMMUNITY CORRECTIONS INDICATES THAT THREE HUNDRED (300) INMATES WILL BE AVAILABLE FOR RELEASE FROM THE DEPARTMENT'S FIRST FIVE PRIORITIES OF LOWEST RISK INMATES OVER THE NEXT SIX MONTHS.


NOW, THEREFORE, PURSUANT TO THE POWERS CONFERRED UPON ME AS GOVERNOR BY SECTION 24-3-1160 OF THE CODE, I HEREBY DECLARE A STATE OF EMERGENCY, BUT IN SO DOING I AM SPECIFYING THREE HUNDRED (300) AS THE NUMBER OF INMATES WHICH MAY BE RELEASED AS A RESULT OF THIS DECLARATION. HOWEVER, THIS DOES NOT AFFECT THOSE INMATES RELEASED UNDER PRIOR EXECUTIVE ORDERS. THIS DECLARATION IS INTENDED TO LIMIT THE INMATES WHO MAY BE RELEASED UNDER THIS DECLARATION TO THOSE WHO ARE IN THE FIVE LOWEST RISK CATEGORIES.

I FURTHER REQUIRE THE DEPARTMENT OF PAROLE AND COMMUNITY CORRECTIONS TO REPORT TO THE GOVERNOR EACH MONTH THE NUMBER AND CLASSIFICATION OF PRISONERS WHO ARE AVAILABLE FOR EARLY RELEASE AS A RESULT AT THIS DECLARATION PRIOR TO FINAL ACTION ON THEIR RELEASE. WHEN THIS POOL OF LOWEST INMATES IS EXHAUSTED, I WILL EXERCISE MY AUTHORITY UNDER SECTION 24-3-2010 OF THE CODE AND TERMINATE THIS STATE OF EMERGENCY. I FURTHER DECLARE THAT THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AND THE SOUTH CAROLINA DEPARTMENT OF PAROLE AND COMMUNITY CORRECTIONS SHALL BEGIN

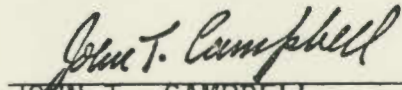
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RELEASING THESE QUALIFIED (LOWEST RISK) INMATES PURSUANT TO THIS
EXECUTIVE ORDER AS EXPEDITIOUSLY AS POSSIBLE.

GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 29th
DAY OF APRIL, 1987.


CARROLL A. CAMPBELL, JR.
GOVERNOR

ATTEST:


JOHN T. CAMPBELL
SECRETARY OF STATE